



General Assembly

Distr.: General
3 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

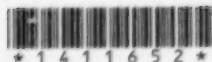
Written statement* submitted by Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11652



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THE STATE OF MEDIA FREEDOM: DASHED HOPES AFTER SPRING

The 2014 World Press Freedom Index¹ spotlights the negative impact of conflicts on freedom of information and a new trend to interpret security needs in an abusive manner.

The annual “indicator” of the global level of media freedom published along with the 2014 index, shows 61 points increase in violations, going from 3395 in 2012 to 3456 in 2013, + 1.8 %.

This indicator of overall performance, based on a variety of measures used to compile the index such as violence, pluralism, media independence, quality of legislation shows that although 2013 was less deadly for journalists than 2012 there are increasing physical attacks and threats against media personnel. All regions except Asia registered a worsening of the right to impart and receive information.

- The 2014 index underscores clearly that information has become collateral damage during armed conflicts, both open and undeclared.

Syria, a prime example, now rubs shoulders with the bottom three on the Index list. The Syrian crisis also had a dramatic impact throughout the region with increased polarization in Lebanon, a tightening of the Jordanian authorities’ grip and an accelerating the spiral of violence in Iraq.

In Iran, a key Mideast country, none of the new president’s promises to improve freedom of information have yet been implemented. Coverage of the Syrian tragedy, in both the official Iranian press and on the blogosphere, is closely watched by the government, which cracks down on any criticism of its foreign policy.

In Africa, deteriorations were registered by Mali, the Central African Republic and the Democratic Republic of Congo.

In Egypt, the election of Mohamed Morsi was accompanied by an increase in abuses against journalists and all-out efforts for the Muslim Brotherhood’s control of the media while the army’s return to power ushered in a persecution of the Muslim Brotherhood that affected not only Egyptian journalists but also their Turkish, Palestinian and Syrian colleagues. In the Persian Gulf, especially in the United Arab Emirates, bloggers and journalists were arrested and charged with having links to the Brotherhood.

- Information was sacrificed on the altar of national security in countries taking pride in their democratic practices when they too often subjected freedom of information to overly broad and abusive interpretations of national security needs.

This has been the case in the United States amid increased efforts to track down whistleblowers and the sources of leaks. The conviction of Private Bradley Manning and the pursuit of NSA analyst Edward Snowden were warnings to those thinking of disclosing sensitive information that would clearly be in the public interest.

US journalists were also stunned by the Department of Justice’s seizure of *Associated Press* phone records without warning in order to identify the source of a CIA leak. It served as a reminder of the urgent need for a “shield law” to protect journalists’ sources at federal level.

This revival of the legislative process was of little consolation for *The New York Times*’ James Risen who is under a court order to testify against a former CIA employee accused of leaking classified information. And less still for Barrett Brown, a young freelance journalist facing 105 years in prison in connection with the posting of information that hackers obtained from Statfor, a private intelligence company with close ties to the federal government.

The United Kingdom distinguished itself in the 'war on terror' by the pressure it placed on *The Guardian* newspaper and the 9-hour detention of David Miranda, journalist Glenn Greenwald's assistant.

The "war on terror" is also being exploited by governments that treat journalists as "threats to national security" with dozens being jailed on this pretext in Turkey, Morocco or Israel.

In Japan, the "special intelligence protection bill" recently adopted by the National Diet reduces government transparency on such key national issues as nuclear power and relations with the USA, making them taboo subjects

- The privatisation of violence which has had an impact on newsproviders and non-state groups constitutes the main source of physical danger for journalists in a number of countries.

Militias fomenting chaos in Libya and Yemeni armed groups linked to Al-Qaeda in the Arabian Peninsula are leading examples of this phenomenon. Al-Shabaab in Somalia and the M23 movement in the Democratic Republic of Congo both regard journalists as enemies. Jihadi groups such as Jabhat Al-Nosra and Islamic State in Iraq and the Levant (ISIS) use violence against news providers as part of their drive to control the regions they "liberate."

Organized crime is also a fearsome predator for journalists in many parts of the world, especially in Honduras, Guatemala, Brazil and Paraguay as well as in Pakistan, China, Kyrgyzstan and the Balkans where self-censorship becomes unavoidable on subjects such as drug-trafficking, corruption and the criminal penetration of the state apparatus. The passivity of authorities towards violence against the media, their connivance or even direct involvement, ensures impunity for those responsible.

- There were some big falls.

In the Americas, the 13-place fall registered by the United States (see above) was more than doubled by Guatemala which saw a two-fold increase in the number of physical attacks on journalists, including four murders, and was equalled by Paraguay with an increasing pressure on journalists to censor themselves.

Kenya registered an 18-place fall with the government's response to the media's coverage of the Westgate Mall attacks compounded by dangerous parliamentary initiatives, including a recent law creating a special court to judge audiovisual content.

Kuwait's 13-place fall reflects the tougher measures taken against the media, including the law allowing the authorities to fine journalists up to 300,000 dinars (1 million dollars) for criticizing the Emir and the Crown Prince, or misrepresenting their words, and the imposition of prison sentences of up to 10 years on journalists insulting God, Prophets of Islam, Prophet Mohamed's wives or companions.

Still at the bottom of the Index we find Viet Nam, Uzbekistan and Saudi Arabia, to name but three that are successfully adapting their radical censorship to the digital era. As for Kazakhstan and Azerbaijan, media pluralism is in the process of succumbing to the increasingly repressive tendencies of rulers clinging to power.

- ...And some big rises.

Violence against journalists, direct censorship and misuse of judicial proceedings are on the decline in Panama, the Dominican Republic, Bolivia and Ecuador, although in Ecuador, the level of media polarization, still high, serves as a barrier to public debate.

The past year was marked by laudable legislative developments in some countries such as South Africa where the president refused to sign a law that would have endangered investigative journalism.

In Georgia, the 2013 presidential election was less tense than the previous year's parliamentary elections, but media polarization might still continue to be a challenge.

Israel's 2014 rise is offset by its 20-place fall in the 2013 index as a result of Operation "Pillar of Defence" in 2012, when two Palestinian journalists were killed, the many raids it carried out against Palestinian media and the abusive treatment of Palestinian and foreign journalists by the Israel Defence Forces, especially during the weekly demonstrations at the Separation Wall. On 4 December, an Israeli high court endorsed the seizure of equipment from *Wattan TV* during an IDF raid in February 2012.

- Some regional models appear to be declining with, for some countries an impact on their neighbours because of their regional importance and influence and the fact that they are regarded – rightly or wrongly – as models to be watched or followed.

South Africa's 11-place rise to 42nd position contrasts with the performance of other countries regarded as regional models, which have either shown no improvement or are in decline.

EU Members' scores are more uneven, a trend accelerated by the economic crisis and outbreaks of populism. In Greece, journalists are often the victims of physical attacks by members of Golden Dawn, the neo-Nazi party. By closing the state broadcaster under pressure from the Troika (EC, ECB and IMF), the Prime Minister seems to be cutting back on democracy to save money.

In Hungary, Prime Minister Orbán gives the impression of having abandoned press freedom in his zeal for draconian reforms.

Russia might have been lower in the index had without the determination of its civil society in the face of an intensifying the crackdown since Mr. Putin's return in 2012 and the Russian model is being exported throughout the former Soviet Union to countries eagerly copying its methods.

Turkey registered no improvement. The Gezi Park revolt highlighted the repressive methods used by the security forces, the increase in self-censorship and the dangers of the prime minister's populist discourse.

China failed to improve its ranking. Despite having an astonishingly vital and increasingly militant blogosphere, dissident bloggers and journalists are still censored and jailed and the country's influence is reaching the media in Hong Kong, Macau and Taiwan.

India experienced an unprecedented wave of violence against journalists, with eight killed in 2013. They are targeted by both state and non-state actors. No region is spared but Kashmir and Chhattisgarh continue to be the only two where violence and censorship are endemic.

Myanmar, with its substantial reforms registered a big leap in 2013 and could become a regional model for a transition to democracy. However, with a flagging reform process, the "Burmese model" has yet to prove itself.

As last year, Finland tops the index for the fourth year running, closely followed by Netherlands and Norway. At the other end of the list, the last three positions are again held by Turkmenistan, Democratic People's Republic of Korea and Eritrea, countries where freedom of information is non-existent.

¹ <http://rsf.org/index2014/en-index2014.php>



General Assembly

Distr.: General
27 February 2014

English only

Human Rights Council

Twenty-fifth session

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Promotion and protection of all human rights, civil,
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including the right to development

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Lawyers Union, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, Union of Arab Jurists, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

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GE.14-11476



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Alarming rates of birth defects, cancers and infant mortality in Fallujah-Iraq*

The fundamental right of health mentioned in the constitution of the WHO, is also reflected in the articles 6 and 24 of the Convention on the Rights of the Child.

Under article 6 of the CRC the member States shall ensure to the maximum extent possible the survival and development of the child.

Under article 24 of the convention, States Parties shall strive to ensure that no child is deprived of his or her right of access to the highest attainable standard of health care services; they shall take the appropriate measures to diminish infant and child mortality; to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to ensure appropriate pre-natal and post-natal health care for mothers; States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

For two decades, the Iraqi population has been subjected to grave human rights violations, caused by war, foreign occupation and international sanctions. Iraq is suffering from a high toxic level of lead, mercury contamination and depleted uranium pollution in many regions, which led to indirect killings. About 1200 tonnes of ammunition were dropped on Iraq during the wars of 1991 and 2003. As a result, contamination occurred in more than 350 sites in Iraq¹.

Fallujah has been submitted to the most intense urban combat operations in Iraq with a concentrated use of novel weapons in 2004. Although American forces later admitted that they had used white phosphorus shells, they never admitted to using depleted uranium, which has been linked to high rates of cancer and birth defects^{2,5}. Furthermore, several studies show a high level of contamination by other toxic substances including Uranium⁴ lead and mercury^{3,4,5}.

An upsetting number has been reported of birth defects ranging from congenital heart defects to brain dysfunctions and malformed limbs⁵. There are also a huge number of miscarriages and cancer cases. According to gynaecologists, paediatricians and neurologists in Fallujah the numbers of these cases have been increasing rapidly since 2005⁶. More disturbingly, they appear to be occurring at an increasing rate in children born in Fallujah. Similar defects have been found among children born in Basra after British troops invaded, according to the new research⁷.

Birth Defects

A study published in 2013 finds a rate of congenital anomalies at birth in Fallujah to be 11.5 times higher than the comparable rate in neighbouring Kuwait. The study concludes that the level of congenital anomaly in Fallujah is

¹ Fathi, R. A., Matti, L. Y., Al-Salih, H. S., & Godbold, D. (2013). Environmental pollution by depleted uranium in Iraq with special reference to Mosul and possible effects on cancer and birth defect rates. *Medicine, Conflict and Survival*, 29(1), 7-25.

² The Independent, *Iraq records huge rise in birth record*, <http://www.independent.co.uk/life-style/health-and-families/health-news/iraq-records-huge-rise-in-birth-defects-8210444.html>

³ Al-Sabbak, M., Sadik Ali, S., Savabi, O., Savabi, G., Dastgiri, S., & Savabieasfahani, M. (2012). Metal contamination and the epidemic of congenital birth defects in Iraqi cities. *Bulletin of environmental contamination and toxicology*, 89(5), 937-44.

⁴ Alaani, S., Tafash, M., Busby, C., Hamdan, M., & Blaurock-Busch, E. (2011). Uranium and other contaminants in hair from the parents of children with congenital anomalies in Fallujah, Iraq. *Conflict and health*, 5, 15.

⁵ Alaani, S., Al-Fallouji, M. a R., Busby, C., & Hamdan, M. (2012). Pilot study of congenital anomaly rates at birth in fallujah, iraq, 2010. *The Journal of IMA / Islamic Medical Association of North America*, 44(1), 1-7.

⁶ Humanitarian Disaster In Fallujah: Unprecedented Numbers of Birth Defects, Miscarriages and Cancer Cases <http://www.globalresearch.ca/humanitarian-disaster-in-fallujah-unprecedented-numbers-of-birth-defects-miscarriages-and-cancer-cases/18646>

⁷ The Independent, *Iraq records huge rise in birth defect*, op.cit., <http://www.independent.co.uk/life-style/health-and-families/health-news/iraq-records-huge-rise-in-birth-defects-8210444.html>

unusually high and is caused by the exposure of the population to some genetic mutagen employed during the USA attacks on the city in 2004⁸.

This prospective study begun at the start of 2010, each case of congenital anomaly was examined at birth at one of three clinics at Fallujah General Hospital together with details of the type of malformation and parental information on possible causes⁹. There were 291 congenital anomaly cases registered at birth in the eleven-month period at the study's clinic. The total number of births recorded in the hospital over the period was 6015. The congenital anomaly included 113 heart and circulatory system cases, 72 nervous system cases, 40 digestive system cases, 30 down syndrome cases, 9 genitourinary cases, 6 ear, face and neck cases and 7 respiratory cases¹⁰.

There is an important correlation between heavy metals contaminations and birth defects. The most common abnormalities in Fallujah children are congenital heart defects, neural tube defects, and cleft lip/palate. Another study of 56 families in Fallujah, and a metal analysis of hair samples from them, shows public contamination with two well-known neurotoxic metals, lead and Mercury: Two toxic metals readily used in the manufacture of present-day ammunition. Hair metal data from Fallujah showed lead to be five times higher in the hair samples of children with birth defects compared to children who appeared normal. Mercury was six times higher^{11 12}.

In Fallujah's hospital, Dr Samira Alaani indicates that parents of children with congenital anomalies show unusually high levels of contamination by other chemical elements. These include Iron, Aluminium, Manganese, Strontium, Barium, and Bismuth. There are also high levels of contamination with elements that are derived from destroyed concrete and masonry, namely Calcium and Magnesium. Although, not only Depleted Uranium has been found, experts found enriched Uranium exposure to be also a cause of the congenital anomaly and cancer increases¹³.

Cancers

In Fallujah a dramatic increase of cancer and paediatric cancer rate is reported since the USA army attacks in 2004. Researchers found an association between exposure to DU radiation and the rising incidence of malignancies among children as well as cancer¹⁴.

A study on the incidence of cancer in the city, published in 2012, reports an important variation of the incidence rate of cancer in the different areas of Fallujah region. Accordingly, the high incidence in Fallujah Centre reflects the consequence of the USA army attacks on the city. The range of incidence rate is from (50-128 cases per 100,000)¹⁵.

Researchers found in 2010 a fourfold increase of the cancer rate since 2004. Forms of cancer are similar to those found among the Hiroshima and Nagasaki atomic bomb survivors, who were exposed to intense radiation. Their study shows that the rate of leukaemia is 38 times higher, the childhood cancer rate is 12 times higher, and breast cancer is 10 times more common than in populations in Egypt, Jordan, and Kuwait. Heightened levels of adult lymphoma and brain

⁸ Alaani, S., (2012) op.cit., Pilot study of congenital anomaly rates at birth in fallujah, iraq, 2010. *The Journal of IMA / Islamic Medical Association of North America*, 44(1), 1-7.

⁹ e.g. consanguinity, smoking, drugs during pregnancy, age of mother etc.

¹⁰ Ibidem.

¹¹ Al-Sabbak, (2012), op.cit. Metal contamination and the epidemic of congenital birth defects in Iraqi cities. *Bulletin of environmental contamination and toxicology*, 89(5), 937-44.

¹² Fallujah mothers who participated in this study did not take any medication and described their diet as « good » during pregnancy. Only one couple was first cousins. Mothers did not drink or smoke during pregnancy. All families consumed water from local aqueducts or locally bottled waters. Siblings of the parents had no history of children with congenital defects. In addition, the study reports a chronological increase in the percentages of birth defects and miscarriages in these Fallujah families.

¹³ Alaani Samira et al. (2011). Uranium and other contaminants in hair from the parents of children with congenital anomalies in, 1-15.

¹⁴ Fathi, R. A., Matti, L. Y., Al-salih, S., & Godbold, D. (2013). Environmental pollution by depleted uranium in Iraq with special reference to Mosul and possible effects on cancer and birth defect rates, (February 2014), 37-41.

¹⁵ Al-faluji, A. A. R., Ali, S. H., & Al-esawi, A. A. J. (2012). Incidence of cancer in Fallujah above 10 years age with over view of common cancers in 2011, 4(9), 591-596.

tumors were also reported¹⁶. These results are consistent with the result of other studies, for instance Al-Faluji finds in 2011 an incidence of 96 per 100,000 for all cancer cases in Fallujah, which is about three folds higher than what has been registered at 2002 before Iraq invasion (34.5 per 100,000 population)¹⁷.

Infant Mortality Rate

The infant mortality rate (IMR) is one of the most important indicators of health status and life quality. The rise of IMR is attributed to dissatisfied hygienic requirements; and unfavourable environmental factors, economical conditions, environmental sanitation and medical care¹⁸.

Researchers found IMR in Fallujah during 2010 and 2011 to be (49.5/1000 live births & 48.27/1000 live births successively)¹⁹. It is high compared to that of other areas in Iraq and Iraq neighbour countries: Kuwait (7.87 deaths/1000 live births), Iran (41.11/1000 live births), Syria (15.12 deaths/1000 live births), Turkey (23.07 deaths/1000 live births), Jordan (15.83 deaths/1000 live births), and Saudi Arabia (15.61 deaths/1000 live births)²⁰.

Thus, IMR is disturbingly high in Fallujah. This high rate reflects the bad social, health and economic services in the city in addition to the security situation. According to this study, most of the infant deaths occurred in the neonatal period, which indicates the urgent need to improve the health services²¹. Another important problem appears. In normal populations, 1050 boys are born for every 1000 girls. But among those born in Fallujah in the four years after the US assault, the ratio was reduced to 860 boys for every 1000 female births according to the researchers it is an impact of a major mutagenic event, likely the use of depleted uranium^{22 23}.

Distortion of Evidence

According to Professor Souad Al-Azzawi, (an Iraqi Professor in Environmental Science) in 2013, the Ministry of Health, tried to put an end to two decades of research on the disturbing rate of birth defects in Iraq, not through epidemiological studies or measurements, but through conducting a simplistic survey released by the Iraqi Government on congenital birth defects in areas where US-led coalition forces used toxin-laced munitions. The summary report of this survey solved the crisis simply by denying such a problem exists²⁴.

The WHO has not taken steps to improve the health situation of the city of Fallujah. Moreover, the WHO officials have stepped in to defend the study of the Ministry of Health. Authors of the survey found "No clear evidence to suggest an unusually high rate of congenital birth defects in Iraq"²⁵. The major objective of the study is to deny the findings of all previous research and articles.

¹⁶ US War Crimes: Cancer Rate in Fallujah Worse than Hiroshima <http://www.globalresearch.ca/us-war-crimes-cancer-rate-in-fallujah-worse-than-hiroshima/20241>

¹⁷ Al-faluji, A. A. R., Ali, S. H., & Al-esawi, A. A. J. (2012). Incidence of cancer in Fallujah above 10 years age with over view of common cancers in 2011, 4(9), 591–596.

¹⁸ Abdulghani, S. T., Hameed, A. A., & Alfayadh, Z. T. (2013). Causes and Differentials of Infant Mortality in the Pediatrics Wards in Fallujah General Hospital, 3(4), 1178–1186.

¹⁹ More than eighty percent of mortality occurred in the neonatal period, male mortality was higher than female. About 91 percent of infants died during the year 2010 have normal body weight while most of those died during the year 2011 (41.4%) were underweighted. Most of the infants died during the two years were not vaccinated (91.1% & 89.1% respectively).

²⁰ Abdulghani, S. T., Hameed, op.cit.

²¹ Ibidem

²² The independent, Toxic legacy of US assault on Fallujah 'worse than Hiroshima' <http://www.independent.co.uk/news/world/middle-east/toxic-legacy-of-us-assault-on-fallujah-worse-than-hiroshima-2034065.html>

²³ This distortion is similar to gender ratios found in Hiroshima after the US atomic attack of 1945.

²⁴ Al-Azzawi, Souad, <http://www.globalresearch.ca/congenital-birth-defects-in-iraq-concealing-war-crimes-against-iraqi-children-twisting-and-distorting-the-evidence/5353667>

²⁵ *Summary of the Prevalence of reported Congenital Birth Defects in 18 Selected Districts in Iraq* http://www.emro.who.int/images/stories/iraq/documents/Congenital_birth_defects_report.pdf

The study has been severely criticised. The Lancet reports that even WHO's expert reviewers raised methodological concerns about it, its main "limitation is that it is largely based on what people reported, without any medical examination"²⁶. At the FAFO Foundation in Oslo, social anthropologist John Pedersen adds that the study's limited geographical scope sharply reduces its relevance in understanding the national pattern and prevalence of birth defects in Iraq²⁷. In addition, as mentioned before, experts found a substantial variation of the incidence rate of cancer even within the city of Fallujah, and several studies from Iraq reported worrying rates of congenital birth defects in areas where British, United States, and other coalition forces used highly toxic munitions²⁸. At the same time, experts and authors are facing difficulties to express themselves freely on the subject, and are being persecuted. For instance, the study mentioned before on congenital anomaly at birth in Fallujah²⁹ has been difficult to get published³⁰.

Dysfunctional Institutions

In addition to the toxic environment, the Iraqi institutions that should ensure protection for women and children are dysfunctional and unreliable. As a result, the most vulnerable are exposed to a higher mortality risk. According to Dr Omar Al-Kubaisy (a prominent Iraqi cardiologist), the part of the State budget allocated to health, medical care, and education is insufficient. Indeed, this part does not exceed two or three percent of the total budget³¹.

Moreover, there is a significant disregard of first aid services, primary health care services, and health prevention, including maternity centres and immunisation programs for children. The health problems at birth are increased because of the financial and administrative corruption in the Ministry of Health and the dependence on non-professional cadres that relies on sectarian affiliation and exclusion from medical care. In addition, there is a persistent intentional killing and forced migration of doctors and healthcare personnel. Dr Omar Al-Kubaisy underlines that the breakdown and the continued deterioration of health infrastructure and services such as providing clean water and electricity in hospitals, the loss of control on pharmaceutical industry³², conducted to a disastrous situation, that has already been reported in earlier studies³³, and remains today³⁴.

In another hand, there is an attempt to dissimulate the results of international studies, which demonstrate a relationship with the dramatic increasing cases of cancers, malformations and infertility and the use of prohibited lethal weapons, heavy metals and environmental pollution³⁴.

Recommendations

In order to ensure a reasonable level of healthcare, the international community and the Iraqi authorities should:

- Ensure an environmental clean-up, undertaken and financed by those responsible for the use of depleted

²⁶ Simon Cousens, reported by The Lancet, questions raised over Iraq congenital birth defect study [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)61812-7/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)61812-7/fulltext)

²⁷ The Lancet, Ibidem

²⁸ Ibidem

²⁹ Alaani, S., Al-Fallouji, M. a R., Busby, C., & Hamdan, M. (2012). Pilot study of congenital anomaly rates at birth in fallujah, iraq, 2010. *The Journal of IMA / Islamic Medical Association of North America*,

³⁰ Christopher Busby in a press release says "The World Health Organisation contacted me last year following our initial report, and my presentation at the Human Rights Council in Geneva. Their representative asked me to collaborate on a study in Iraq, both of Fallujah and in other parts of the country, and I agreed. But after I told them I had to be closely connected with the data collection so I could be sure of the results, I heard no more. The present paper was sent to four different journals, and all refused to publish it, in one case even refused to look at it. The authors have been subject to continuous attacks on their credibility. If independent science dies, through threats, funding cuts and fear, then there is no hope for the human race. Scientific truth will be controlled by political power. The Islamic Doctors in the USA are to be congratulated for their brave decision to publish this important study."

³¹ Dr Omar Al-Kubaisy <http://www.dhiqar.net/Art.php?id=33500>

³² The huffingtonpost, Iraq War Anniversary: Birth Defects And Cancer Rates At Devastating High In Basra And Fallujah http://www.huffingtonpost.com/2013/03/20/iraq-war-anniversary-birth-defects-cancer_n_2917701.html

³³ Dr Omar Al-Kubaisy, <http://www.dhiqar.net/Art.php?id=33500>

³⁴ Ibidem

- uranium and other toxic agents that are susceptible to the worrying increase of cancer and birth defects.
- The Iraqi health system must be restored to pre-invasion levels, which used to be one of the best in the region according to the WHO.
- Improve pregnancy care; by developing maternity centres quality and ensuring appropriate pre-natal and post-natal health care to anticipate birth defects.
- Encourage researchers to have clear data and knowledge on the extent of birth defects, cancers and infant mortality, in order to take the necessary measures to provide adequate health services.
- Take measures to increase the level of family awareness, improve immunisation programs for children and enforcing family planning to achieve a substantial reduction of the IMR.
- Ensure that all human rights violations in Iraq during the sanction and the invasion and occupation be investigated by an international independent body, and appoint a Special Rapporteur for Iraq.

* BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home, Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret,

The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionale- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement. NGOs without consultative status, also share the views expressed in this statement.



General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Lawyers Union, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, Union of Arab Jurists, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Death Penalty in Iraq

Since the US invasion and occupation of 2003, the number of people executed in Iraq is constantly rising, which is a highly alarming issue that challenges international human rights standards and fundamental principles of international law. Despite persistent international outcries the Iraqi government has on numerous occasions declared it would not halt executions, disregarding the numerous calls concerning the use of the death penalty.

The exact number of executions in Iraq after the invasion in 2003 until the end of 2013 is unknown, as the execution of 'secret prisoners' is a common practice. It is however well documented that the official number of executions is rapidly and continuously increasing. This increase in executions demonstrates the Iraqi government's disrespect for international law and fundamental human rights.

Furthermore, the Iraqi authorities never provide exact information about the identities of those executed, the charges against them, or the evidence presented against them at trial.

Pretext of Fighting Terrorism

The majority of these executions have been carried out under the pretext of fighting terrorism and with the legal grounding in para.1, Art.4 of Anti-Terrorism Law No.13 of 2005.

It does not only legalise capital punishment for those who commit terrorist acts, but also for those who are accused by the government to finance, provoke, plan, or enable such acts. Under this Iraqi law, a person can be sentenced to death on 48 charges. The definition of perpetrators is as following:

- anyone who commits, as a main perpetrator or a participant, a terrorist act, along with anyone who incites, plans, finances or assists terrorists to commit such a crime

- anyone who intentionally covers up any terrorist act or harbours a terrorist with the purpose of concealment

The same law offers amnesty and anonymity to secret informers who report alleged terrorist activities. As a result of false reports many have been wrongly arrested and executed. Authorities are using this notorious law to arrest, detain and sentence hundreds of individuals, claiming that those sentenced to death and executed are terrorists and threaten national security.

While the Iraqi constitution in Article 73 para 8¹ makes clear that all death sentences shall be signed by the president himself, Iraqi officials have frequently made the case that strictly speaking no presidential decree is needed to implement a death sentence. In the vast majority of the cases, deputies of the president sign presidential decrees.

Executions in 2013

Iraq is placed among the top three Executioner-states of the world.²

2013 was the year of a record execution rate in Iraq, with 170 people hanged on charges of terrorist activities. This was the highest number since the US invasion. In comparison to the 129 executions in 2012, it reveals the Iraqi government's determination to ignore all international outcry for a moratorium.

¹ English version of the Iraqi constitution available at http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf

² Al Arabiya (2013) <http://english.alarabiya.net/en/perspective/analysis/2013/12/31/Increase-in-Iraq-executions-draws-international-ire.html>

Between 14 and 17 of March, 2013, the government authorities executed a total of 52 "political prisoners" accused of terrorist activities.

The government continued its practice of executions further on 19 August 2013 with a total of 17 Iraqi prisoners (including 2 women) hanged in only one day.

Between 8 and 9 October 2013, patches of in total 42 individuals were executed within a period of only two days.

On 7 November 2013, additional 7 people were executed, followed by 12 and another 11 respectively on 17 and 24 of November.

By the end of 2013, a total of 170 people were executed and the unofficial numbers of "secret executions" is suspected to be much higher.

Secret Executions

It is strongly believed by contacts on the ground, lawyers and several NGOs that a high number of secret executions in Iraq are committed on a daily basis.³ In numerous cases, security forces arrest and detain individuals without giving their families any information after the arrests on the detainees' whereabouts or physical condition. In their responses to the families, they pretend the specific individual has never been arrested. This leaves the detained highly vulnerable to any abuse by the security forces and denies him any right for justice or accountability. In numerous cases these 'secret prisoners' are executed and their bodies found days later with signs of torture in many cases and obvious traces of the execution.

This practice of 'secret execution' raises the number of actual capital punishment to almost a double and demonstrates the abuse of capital punishment and flawed justice system.

"Martyr's Revenge" or "Thar Al Shuhada"

Beginning of August 2013, an official security campaign was launched, under the name of "Thar Al Shuhada" translated as "Martyr's Revenge", which targeted human rights defenders and protesters on a highly discriminatory sectarian basis in certain areas and cities. All those arrested in this campaign were immediately accused and treated as "terrorists". The direct implications of this campaign are arbitrary arrests and sentences of severe punishment for civilians and innocent persons allegedly suspected of terrorism. It violates Articles 9, 10 and 11 of the Universal Declaration of Human Rights, which ensure the importance of freedom from arbitrary arrests, the right to fair trial and innocence until proven guilty. Additionally, the introduction of this campaign has rapidly increased the rate of executions on 'terrorist charges'.

Executions in 2014

To prove the government's power and disrespect for international pressure and all demands to halt this inhumane practice, the Iraqi authorities carried out further 26 official death sentences on 19 January 2014. NGOs have reported on an additional 12 secret executions.⁴ On 23 January, 11 alleged terrorists were further executed. In total this increases the total, as of 24 January 2014, to a horrifying number of 49 people.

The Response of the International Community

³ See Amnesty report on secret executions of January 2014. <http://www.amnesty.org/en/for-media/press-releases/iraq-another-spike-executions-38-hanged-last-four-days-2014-01-22>

⁴ Amnesty International (2014). <http://www.amnesty.org/en/for-media/press-releases/iraq-another-spike-executions-38-hanged-last-four-days-2014-01-22>

In mid-March 2013, after the execution of 21 individuals and the announcement of further 150 sentenced to death, United Nations High Commissioner for Human Rights, Navi Pillay, likened Iraq's justice system to "processing animals in a slaughterhouse" and stated that "executing people in batches like this is obscene."

*"The criminal justice system in Iraq is still not functioning adequately, with numerous convictions based on confessions obtained under torture and ill-treatment, a weak judiciary and trial proceedings that fall short of international standards. The application of the death penalty in these circumstances is unconscionable, as any miscarriage of justice as a result of capital punishment cannot be undone."*⁵

This was not the first comment of High Commissioner of Human Rights Navi Pillay on the high execution rate of Iraq. On 24 January 2012, she stated that she was shocked and called on the country to institute an immediate moratorium on the use of the death penalty;

*"Given the lack of transparency in court proceedings, major concerns about due process and fairness of trials, and the very wide range of offences for which the death penalty can be imposed in Iraq, it is a truly shocking figure."*⁶

She furthermore pointed to UN General Assembly Resolution 62/149, adopted in 2007, and subsequent resolutions, which call on UN Member States to establish a moratorium on the use of the death penalty with a view to future abolition and urged the Government of Iraq to halt all executions and to review the cases of those individuals currently on death row.⁷

These executions were carried out despite the United Nations Assistance Mission to Iraq (UNAMI) report in June 2013 demanding to amend the Anti-Terrorism Law No.13, to put a moratorium on the use of death penalty in accordance with the UN General Assembly resolutions 62/149(2007),63/168(2008),65/206 (2010) and 67/176(2012), to review the criminal code and the criminal procedure code with a view to abolishing the death penalty and to consider acceding to the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty.⁸

Furthermore, during Iraq's Universal Periodic Review in February 2010, the majority of the participating countries called on the government to halt all executions and ensure fair trial standards and the abolition of torture.⁹

The government has also been recently harshly criticised by a member of the European Parliament for its mass executions, its lack of a formal judicial process, the random accusations of individuals as terrorists and the sectarian basis of its policies and actions.

Struan Stevenson, a Scottish Conservative member of the European Parliament and Chair of the important Delegation for Relations with Iraq compared the patches of mass executions to the Crime of Genocide through its large scale and sectarian character targeting certain religious groups.¹⁰ He stated that the Iraqi government is engaged in a genocidal military campaign against religious parts of the Iraqi population whom the Prime Minister has branded as terrorists.¹¹ He additionally compared it to "capital punishment on an industrial scale" which can be judged as a "conveyor belt of death" to discriminate parts of its population into submission, according to Mr. Stevenson.¹²

⁵ High Commissioner for Human Rights Navi Pillay, OHCHR (2013).

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13253&LangID=E>

⁷ OHCHR (2012). <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11774&LangID=E>

⁸ Ibid

⁹ [http://www.uniraq.org/images/humanrights/HRO_Human%20Rights%20Report%20January%20-%20June%202013_FINAL_ENG_15Dec2013%20\(2\).pdf](http://www.uniraq.org/images/humanrights/HRO_Human%20Rights%20Report%20January%20-%20June%202013_FINAL_ENG_15Dec2013%20(2).pdf)

¹⁰ GICJ (2012). http://www.gicj.org/index.php?option=com_content&task=view&id=154&Itemid=41

¹¹ Brussels Tribunal (2014). http://www.brussellstribunal.org/article_view.asp?id=1317#.UuJLExBKGuk

¹² Struan Stevenson (2014). Available at <http://www.ncr-iran.org/en/news/iran-world/15836-iraqi-executions-like-sheep-being-slaughtered-in-an-abattoir>

¹³ Ibid

No End in Sight

Almost all executed were sentenced to death under Article 4 of Anti-Terrorism Law No.13 and all convictions were allegedly approved by the President.

NGOs found that on the same day of the latest executions in January 2014, the President's office ratified around 200 further cases of people sentenced to death, paving the way for their executions to be carried out in near future.¹³

Furthermore, Minister of Justice revealed plans to amend the Iraqi Criminal Proceedings Nr.23 of 1971, which ensure basic human rights to the accused. According to the Minister, a draft to this end is currently under review by the Iraqi Council of Ministers. It needs however to be seen as a travesty of justice to amend legislation protecting Iraqis' human rights. Such practices increase concerns regarding the 'just' application of capital punishment in Iraq.

The fight against terrorism must remain within the framework of international law and human rights standards. The Security Council Resolution 1456 (2003) reaffirms that "states must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights and humanitarian law."

The real issue at hand is the lack of due process and fair trial standards and the highly discriminatory and sectarian basis these executions are based on. Confessions are retrieved under torture and then used to pass death sentences. It is common practice for detainees to be held without a warrant, without knowing their charges, without access to legal defence or contact to family members. This violates all basic international standards for a fair, non-discriminatory and just trial.

The repeated international calls have been constantly ignored. All developments prove the determination not to listen to such calls or adhere to any international legal standard.

Recommendations by the NGOs Signatories to this Statement:

- That Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on torture and Special Rapporteur on the independence of judges and lawyers focus on this matter in their reports to the Human Rights Council
- The UNHCHR to submit a detailed report to the Human Rights Council on human rights violations in Iraq documented by UNAMI and other civil society members
- To set up an independent international commission and dispatch to fully investigate all of the human rights violation committed since 2003
- To appoint a UN Special Rapporteur for Iraq
- To investigate the adherence to international legal standards of the Anti-Terrorism No.13 of 2005
- To highlight the discriminatory and sectarian character of the government policies

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¹³ Amnesty International (2014). <http://www.amnesty.org/en/for-media/press-releases/iraq-another-spike-executions-38-hanged-last-four-days-2014-01-22>

the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, 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General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Association for the Defence of Religious Liberty - Association Internationale Pour La Defense de la Liberte, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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RELIGIOUS LIBERTY AND RELIGIOUS MINORITIES: “DIALOG FIVE” - DEVELOPING A HOLISTIC FRAMEWORK

**INTERNATIONAL ASSOCIATION FOR THE DEFENSE OF RELIGIOUS LIBERTY (IADRL / AIDLR), Bern
Switzerland**

I. INTRODUCTION

On the issue of human rights and religious freedom, nothing of a political nature happens by accident.

UNESCO recently confirmed the importance of IADRL's perspective by stating: “the creation of an environment of tolerance, mutual respect and understanding, one which guarantees the full enjoyment of the freedom of conscience and religion, requires that all concerned actors and stakeholders work together closely”.¹ Thanks to UNESCO, its vision should be fundamental for all people.

Who are these actors and stakeholders?

The International Association for the Defense of Religious Liberty by its Secretary General Attorney Liviu Olteanu draws attention to human rights, religious freedom and religious minorities by proposing synergy between a network of relevant stakeholders in the platform our organization has named DIALOG FIVE: ‘Government – Diplomatic – Religious – Academic – NGOs/Civil Society’ representatives; they must participate in multidisciplinary interaction to construct an efficient and effective understanding between civilizations, cultures and religions.

IADRL gained international expertise in 1946, the time of our founder Dr. Jean Nussbaum and of Mrs. Eleanor Roosevelt- the first IADRL president of the honorary committee. Later, this expertise was developed through the guidance of Dr. Albert Schweitzer, Paul Henry Spaak, Rene Cassin, Edgar Faure, Leopold Sedar Senghor and Mary Robinson- the following presidents of honorary committee.

The framework of ‘Dialog five’ discusses how international, regional and national institutions can effectively work together, which would activate mechanisms to raise awareness of authorities, religious leaders, diplomats, educators and general population on the need of tolerance and acceptance of Other’ differences and the respect of religious freedom for all people.

How can religious freedom and religious minorities be protected in this diverse world with trends, attitudes and contrasts?

The UN Secretary-General Ban Ki-moon suggested: ‘the best form of protection is prevention. The prevention saves lives as well as resources. Prevention is not a one-off affair. Human rights are an essential component of human protection’². A strategy of prevention is consolidated through a holistic approach.

II. A HOLISTIC FRAMEWORK - “DIALOG FIVE”

The International Association for the Defense of Religious Liberty, as a permanent representative to the UN and EP, representative to the COE and OSCE, organizer and attendee of conferences at Governmental, Parliamentary and

¹ Letter of UNESCO from 22 January 2014 sent to Liviu Olteanu Secretary General of IADRL

² UN Secretary General Ban Ki-moon, see at:

[http://www.un.org/sg/selected speeches/statement_full.asp?statID=1064](http://www.un.org/sg/selected%20speeches/statement_full.asp?statID=1064)

University levels, evaluated the different models of protecting religious liberty and proposes a model that can be referenced by other national and international organizations.

The IADRL willing to test experimental conclusions, initiated³ a 'Human Rights and Religious Liberty Project' with a holistic approach. Dr. Bruno Vertallier, the president of the organization, correctly noted: "freedom of conscience and of religion hangs today in a fragile balance". That is why this project established a precise structure of different actors and stakeholders representing: Institutional and Multidisciplinary Frameworks.

- On an Institutional level, there is a need of a special approach that includes international, regional and national actors; UN, COE, EU (EP), ECtHR, OSCE, Ministry of Justice, Ministry of Foreign Affairs. Different actors can look to the same issue from different angles and consistency, using a different language and prototype that does have a holistic approach.
- Further, this multidisciplinary interaction with different stakeholders must embody the five different categories of representatives: Government – Diplomatic – Religious – Academic – NGOs/Civil Society.

Madrid International Conference

To demonstrate the efficiency of the holistic approach, IADRL initiated a new paradigm project. The IADRL and Human Rights Institute of University Complutense of Madrid, organized the International Conference hosted in Madrid at the Law Faculty on January 17, 2014. The theme was: "In the Light of Edict of Millan, Religious Freedom and Religious Minorities in the World: New Balance or New Challenges?" Professor Jose Miguel Serrano Ruiz-Calderon is important researcher and contributed as co-director of the Conference along with Liviu Olteanu. We thank to Spanish Government for the contribution of Ricardo Garcia of the Ministry of Justice and Ambassador Belen Alfaro of Ministry of Foreign Affairs, and to Law Faculty Dean Raul Canosa. The project joined a multidisciplinary network of experts representing the: governmental, academic, diplomatic, religious and NGOs/civil society field as part of national, regional and international actors.

The main guests were: professor Heiner Bielefeldt Special Rapporteur of UN on Freedom of Religion and Belief and Ms. Rita Izsak Independent Expert of UN on Minority Issues. They stressed to the 200 participants present on January 17, 2014 at the University, and on January 18, to around one thousand people participating in the Religious Liberty Concert: "Ambassadors of Liberty, Hope and Peace", on the close relationship which there is between 'religious freedom and religious minorities' and the need of its protection in entire world. To the International Conference has contributed also other important international guests⁴.

The topic of the panels were:

- Challenges and trends, which globally affects religious minorities.
- Relation between religion freedom and religious minorities.
- How to promote multidisciplinary dialogue and to sustain the work of UN Special Rapporteur and Independent Expert.
- Protection of religious minorities and prevention of the discrimination against them.

³As important mentors: professor Jose Iturmendi Honorary Dean and professor Juan Antonio Martinez Munoz; also had an instrumental role: UAE Jesus Calvo-president UAE, Corrado Cozzi-director, Alberto Guaita-president ADLR, Mercedes Hamed, Pedro Torres, Conchi Carasco.

⁴Ambassador Alexey Koshemyakov-Council of Europe, Dr. Harri Kuhlamppi-European Parliament, Fatos Araci-ECtHR, professor Ganoune Diop-UN Relations New York, Dr. Bruno Vertallier-president IADRL, Dr. John Graz-Secretary General IRLA, professor Jeremy Gunn. Also have participated or contributed the professors: Alberto de la Hera, dean Jose Maria Espinar, dean Jaime Rossel, Joaquin Mantecon, Zoila Combalia, Javier Martinez Torton, Jose Luis Andavert, Ryay Tatari Islam, Alberto Benasuly Judaism, Jose Luis Andavert president FEREDE.

At the conclusion of the Conference the Special Rapporteur of UN on Freedom of Religion and Belief, Heiner Bielefeldt rightly expressed:

III. WHY IS SO IMPORTANT THIS MODEL OF HOLISTIC FRAMEWORK INITIATED BY IADRL?

Heiner Bielefeldt's observations:

1. "I attach great importance to the design of Madrid Conference for the systematic consideration to have 'five' different actors, different institutions' presence but also at various levels of Human Rights Institutions".
2. "We have human rights obligations at different levels: national, regional and international and religious beliefs and human rights develop in different directions and can mutually undermine each other. We have the Council of Europe approach, the EU approach, various national approaches, the UN approach... Still I think as a matter of fact these different institutions sometimes are worlds of their own". "We need coordination: one purpose is to avoid a mutual undermining of the authority of human rights standards and for that reason we have to know one another better, to be aware of what's happening, so from my perspective now working in the UN, it is very important to see what's happening in the Council of Europe, in the EU, in different countries..."
3. "The structure of Madrid Conference was demonstrating how to avoid damage, risky situations or a loss of authority because one institution could be played off against other institutions; but of course there is also the positive opportunity to learn from one another, this is the task of cross "fertilization".
4. "We do need these exchanges in order to know from one another's activities to mutually support and reinforce one another's rather than possibly undermine it without even knowing what we are doing".
5. "The Madrid Conference really sets an example, this is something we have to do, is really something we should copy, it is a good and useful: we should establish that on a regular basis in fact.
6. "The project of IADRL needs developing a consistence holistic framework at various levels, institutions and elements of infrastructure to fit together."

IV. PLANS: INTERNATIONAL PRIZE & INTERNATIONAL CONGRESS "AMBASSADORS OF LIBERTY, HOPE AND PEACE"

International Association for the Defense of Religious Liberty plans to organize and promote each year (1), or periodically (2):

1. INTERNATIONAL HUMAN RIGHTS AND RELIGIOUS LIBERTY AWARD
2. INTERNATIONAL RELIGIOUS LIBERTY CONGRES: "Ambassadors of Liberty, Hope and Peace".

The International Religious Freedom Congress will take place in the spring of 2015 and IADRL plans to be hosted in Geneva at UN on the time of 28th Session of HRC-

V. IADRL RECOMANDATIONS

1. We ask for the support and co-sponsorship of UN delegations and other international, regional and national actors on INTERNATIONAL CONGRESS. We inform more on it at the 27th HRC Session.
2. Asks UN delegations sending us proposals for nominating candidates for "International Prize/Award" of IADRL.
3. Proposes to the UN HRC and to UN delegations and other actors:

- a. To introduce in the UN Agenda of future sessions of HRC, the holistic approach "Dialog five" on religious liberty and religious minorities according to EU/western and Islamic countries.
- b. To establish a Multidisciplinary Forum –"Dialog five". The IADRL is open to cooperate with all UN delegations and other regional and national actors.

VI. CONCLUSION

We are not 100% free when or until the Other is detained, condemned and persecuted for his/her conscience, religion or belief or because belongs to one religious minority; and we are doing nothing for it.

Today, there is a big need of references and models; in entire world; from the past or today: i.e. Jesus Christ, Prophet Muhammad, representing the religious sphere; Eleanor Roosevelt, Dr. Jean Nussbaum, René Cassin, Dr. Albert Schweitzer, Martin Luther King, Richard Wurmbrandt, Vaclav Havel, Nelson Mandela, Kofi Annan, Dr. Ben Carson, Ban Ki-moon, Heiner Bielefeldt, etc; or UNESCO, Unicef, Amnesty International, Human Rights Watch, USCIRF, Pew Forum, are some references.

We don't defend one religion, church or belief, but the Principle of religious liberty for ALL people.

Let us be Ambassadors of liberty, hope and peace!



General Assembly

Distr.: General
3 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 2

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Written statement* submitted by Liberation, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11615



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The situation in Yemen

Your text pasted here.... The dialogue conference was held and made a temporary progress to resolve the conflict issues between the conflicting parties in the North. Regarding the Southern issue, in its last session the Human Rights Council took note of article 7 of the report of the UN Secretary-General and the UN High Commissioner for Human Rights on the situation in Yemen A/HRC/24/34 which stated: " 7. The non-participation of some key Southern leaders, combined with demonstrations calling for the independence of the South as well as strikes organized by the Southern pro-independence movement Al Hirak in Southern cities, added to uncertainty surrounding expectations about the results of the Dialogue. The repression of those demonstrations, most notably on 21 February 2013, has exacerbated tensions in the South".

"Liberation" follows-up the human rights violations in Yemen since the war waged on the South during the summer of 1994, as well as the increasing killings and other inhumanity practices that take place on daily bases. Liberation watched the statement made by the UN Secretary-General's representative in Yemen Mr. Jamal Bin Omar after he submitted his report to the Security Council on 28 November 2013. He said in his Press Conference following the Security Council meeting on the situation in Yemen, "I have told the Security Council: it is only now that we are realizing the scope of discrimination and pillage that the southerners are subjected to, and how they are humiliated by the former regime officials".

The national dialogue conference adopted and approved the document submitted by Mr. Jamal Bin Omar including which stated that the unity between North and South failed, and presented proposal aiming at finding a new federal state on the ruins of the unity agreement concluded in 1990 between the two states. However, the admission of the failure of the unification between the two states does not justify the adoption of an alternative solution without holding a popular referendum in the South according to the second article of the UN convention and the rules of the international laws, including those stated in the first article of the international covenants.

The southerners have confirmed their refusal to push the southern cause into the framework of Northern conflict issues, expressing their determination to regain their independence peacefully. Moreover, they demanded frequently to hold peer dialogue between North and South, as they hold off their right to a referendum on the unity issue under international supervision, in order for the southerners to express their acceptance or refusal on that unity.

Meanwhile it escalated tension and panic in the South. The level of killings and the arbitrary arrests was increased. The perpetrations of Yemeni forces and militias of the Islamist "Islah" party led to the killing of 3000 people including youths, women, and children during peaceful demonstrations in the South since year 2007, (according to the reports of the local and international human right organizations). The death sentence issued against Mr. Ahmad Markashi is example for those violations against the southerners who express in peaceful manner their right to build their independent state through the daily organization of peaceful demonstrations which multiplied and culminated into millions of peaceful protesters per day, that were the largest demonstrations in the world in comparison with the southern population.

The latest of those crimes was Al-Dale'a massacre in which military armed vehicles fired on a funeral service being held in a public school courtyard which killed 19 people including two boys aged 3 and 11, and wounded at least 30 people. In its Publish Findings on Funeral Attack issued on 16 January 2014, Human Rights Watch (HRW) said that: "The previous and current Yemeni governments have on several occasions responded to serious incidents of violence by establishing special investigation committees. However, these committees typically never publish their findings; nor does their work result in prosecutions...".

In the Publish Findings, Human Rights Watch said also "After the security forces used lethal force against a peaceful demonstration on June 9, 2013, the government issued a statement that a commission with representation from the Defense and Interior Ministries had been formed to investigate the incident. This committee never produced any public findings nor, as far as Human Rights Watch has been able to determine, held any officials accountable for the deaths and injuries".

In North Yemen, as a result of the tribal clout and the escalating alliance of the tribal chiefs, Islamic extremist leaders and military and security generals altogether with hidden ties and links with al-Qaeda spawned more violence and chaos and violent acts including the recruitment children of children. the last terrorist attack was a car bomb explosion near the headquarters of the central prison on 14 February 2014 resulting in 29 inmates, including 19 al-Qaeda prisoner escape central prison in Sana'a, 10 dead and five injured.

It is not the first terrorist attack, it came after a suicide bombing has rocked the military hospital in the capital Sanaa last December, killing at least 52 people and wounding at least 167 others among them were doctors and nurses working at a military hospital were two Germans, two Vietnamese, two Filipinos and one Indian were among those killed.

Mohammed Al-Masswari, the secretary general of House of Law in (NGOs' based in Yemen) draws a connection between the Presidential Palace bombing and the attacks followed frequently in Sanaa. The indicators shows that this alliance has spawned more violence and chaos and killings perpetrated by Al-Qaeda group which killed hundreds of government officials and military officers, and frequently attacked state and military institutions in the past years.

In the South, this alliance has guided indirectly Al-Qaeda and Ansar Al-sharia by Remote Control when they need to sent a fallacious messages to the international community that the South is a haven for terrorism in an attempt to divert the attention of the world to prevent any sympathy to the people of South, while Southern population has continuously reaffirmed their refusal to resort to violence and terrorism.

Therefore, in order to put an end to the mass killings and to protect both the people of the South and the people of the North from gross violations and injustice forms, enabling them to practice their rights to building their new civil states within a very significant geostrategic location in the world, in a manner that serves the common interests and mutual benefits of both north and south and on regional and international levels.

Given the foregoing, we urge the Council to take over their responsibility to overcome both the lack of early warning mechanisms and of preventive advocacy and diplomacy in order to avoid the imminent catastrophe which could threat peace, security and stability in the region and to take immediate and effective measures to eliminate the root causes of the crises by adopting the following recommendations:

1. To appoint international commission of inquiry to investigate the crimes and gross violations both, in the South and the North.
2. To designate a Special Rapporteurs on terrorism and on extrajudicial killing to visit Yemen.
3. To urge the Security Council and the UN Secretary General to provide a framework for the peaceful settlement of the conflict between South and North and to set up a framework with a timescale for resuming the negotiation programme between the real representatives of the South and the North under the supervision of the UN Secretary General.

Thus, the Human Rights Council could effectively participate in the implementation of the principles of international human rights and humanitarian law, promoting human rights, insuring conflict prevention and post-conflict peace-building, eradicating terrorism, opening the door for the two people of the North and of the South to recuperate and work together within the framework of the GCC, and promoting regional and international cooperation with a successful mutual interests with the whole world.



General Assembly

Distr.: General
3 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11617



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Fukushima: the Japanese government to protect people's right to health in accordance with recommendations by the UN Special Rapporteur Anand Grover

1. Background

Nearly three years have passed since the nuclear accident at the Fukushima-Dai-ichi Nuclear Power Station, Northeast Japan, on March 11, 2011. The Japanese government's policies towards the affected population remains insufficient, and there are serious concerns over the affected population's rights to health, especially those of the most vulnerable such as children, pregnant women, the poor, the elderly, and the mentally-ill¹. Although the government passed the Act on Protection and Support for the Victims of Nuclear Power Plant Accidents (Victims Protection Law) in June 2012, the scope of the support policies is substantially limited. Alarming, the government has been disregarding most of the recommendations made by UN Special Rapporteur Anand Grover² in his May 2013 report (made following his mission to Japan in November 2012). The SR recommended that the Japanese government take comprehensive measures to prevent nuclear-related health risks to the affected community on human rights grounds. The Japanese government has not taken into consideration the health implications of low-level radiation exposure and has instead been implementing policies premised on the assumption that radiation exposure lower than 100mSv/year is safe. The government's decisions do not reflect the voices of the victims and affected communities.

2. People living in contaminated areas

Many people, including children and pregnant women, still live in areas highly contaminated by the nuclear accident. This is because the government delineated the evacuation zones based on an exposure level of 20 millisieverts per year, a threshold 20 times higher than international protection standards. In areas with radiation levels below this threshold, many have no choice but to remain in these contaminated locations since the government provides almost no support. This disregards international standards and also contradicts wider domestic regulatory standard which prohibits entry to areas with radiation levels above 5mSv/year.

Based on this insufficient standard, the government now plans to undesignate some previous evacuation areas (within 20km ring). Since this decision will be accompanied by termination of monthly compensation by TEPCO, evacuate people will be forced to decide between returning to contaminated areas and remaining in inadequate, temporary shelters with very little financial support. One particularly important recommendation from Anand Grover advised the government to set the radiation exposure threshold to 1mSv/year and base its health-protection policies on this threshold. The Special Rapporteur (SR) referred to epidemiological studies concerning the health implications of low-dose radiation exposure, and pointing out its dangerous effect on human health. The SR called on the government to protect the right to health of the most vulnerable, such as children and pregnant women, by minimizing the impact on their health. He advised the Japanese government to "Formulate a national plan on evacuation zones and does limits of radiation by using current scientific evidence, based on human rights rather than on a risk-benefit analysis, and reduce the radiation does to less than 1mSv/year" (para 78 (a)). The report continues, counseling that "evacuees should be recommended to return only when the radiation dose has been reduced as far as possible and to levels below 1mSv/year. In the meantime, the Government should continue providing financial support and subsidies to all evacuees so that they can make a voluntary decision to return to their homes or remain evacuated"³. None of this advice has yet been implemented.

3. Affected People's Rights to Health

¹ Human Rights Now is an international human rights NGO based in Tokyo, Japan <<http://hm.or.jp/eng>>

² A/HRC/23/41/Add.3

³ A/HRC/23/41/Add.3 p.17

The Japanese authorities have taken inadequate measures to protect people's right to health. The Special Rapporteur noted that the health management survey conducted by Fukushima prefectural authorities was insufficient and urged the Japanese government to monitor "the impact of radiation on the health of affected persons through holistic and comprehensive screening for a considerable length of time and make appropriate treatment available to those in need" (para.77(a)), emphasizing that "health monitoring should be provided to persons residing in all affected areas with radiation exposure higher than 1mSv/year"(para.77(b))⁴. The government should also avoid "limiting the health check-up for children to thyroid checks and [instead] extend check-ups for all possible health effects, including urine and blood tests"(para.77(e))⁵ and "make follow-up and secondary examination for children's thyroid check-up available to all requesting children and parents"(para.77(f))⁶. These recommendations have been ignored.

At present, for people living in the affected area, the health management survey is limited to a behavior survey immediately following the disaster and a thyroid test for children residing in Fukushima. The thyroid examinations extend only to those under 18, and follow-up tests are limited to one every two years, despite the fact that during the course of the existing survey 74 cases of thyroid cancer were either identified or suspected. Other than thyroid examinations, the government has not conducted any health monitoring for people living in the affected area (such as blood or urine sampling, dentistry, ophthalmology, etc.) nor kept any record of illness besides thyroid cancer.

4. Power Plant and Decontamination Workers

One of the important recommendations made by the Special Rapporteur was that the government needs to "monitor the health effects of radiation on nuclear plant workers and provide necessary treatment" (para.77(j))⁷ and "take all measures to provide an environment that does not exacerbate their vulnerability and provide access to affordable and quality health facilities, goods and services at all times to all workers."⁸ However, these recommendations are as yet unimplemented and the health of the workers remains a grave concern. For full time employees, a medical check is legally mandated by the Regulation Concerning Prevention from Radiation Hazards due to Ionizing Radiation⁹. However, for temporary workers, those who have since left work, and those with radiation exposure below 50mSv/year, there is no periodic monitoring system.

The Special Rapporteur also pointed out that "many workers employed in the nuclear power industry are poor and some even homeless"¹⁰. The relaxation of bidding restrictions by the Ministry of the Environment, diminished accountability and the convoluted system of contractors involved in government-funded radiation removal projects have led to the mistreatment of decontamination workers in Fukushima. The sheer number and multiple layers of contracts for each project make it impossible to reliably ascertain the reality on the ground, and the proliferation of unlawful recruitment organizations has been reported. Because of this system, it is difficult to keep track of workers, who are therefore not ensured the proper medical checkups the government is legally obligated to provide.¹¹

5. Misapplication of Law

In June 2012, the government enacted the Act on Protection and Support for the Victims of Nuclear Power Plant Accidents. It formulates a comprehensive policy regarding medical, living and employment support etc. for the affected population, including areas with exposure levels less than 20mSv/year. However, for a year the Act was not followed by adequate measures. Finally a call for public comments was made in Autumn 2013. Nonetheless the policy eventually prepared and approved by the Cabinet failed properly to reflect the voices of those affected; it mainly promotes victims' returning to their hometowns, whereas the Act was intended to support self-evacuation, provide long-term medical care and checkups, and ensure access to information as well as proper risk communication, regardless of individuals' choices

⁴ A/HRC/23/41/Add.3

⁵ A/HRC/23/41/Add.3

⁶ A/HRC/23/41/Add.3

⁷ A/HRC/23/41/Add.3

⁸ A/HRC/23/41/Add.3, p15

⁹ http://www.rofuku.go.jp/Portals/0/data0/sanpo/sanpo21/sarchpdf/71_p01-11tokusyu.pdf

¹⁰ A/HRC/23/41/Add.3, p15

¹¹ <http://www.reuters.com/article/2013/12/30/us-fukushima-workers-idUSBRE9BT00520131230>

between evacuation and return. The Victims' organization asked the government to establish a mechanism for affected people to participate the decision-making process of the implementation of Act, yet it was not achieved.

The Special Rapporteur stated that "Covered Areas" should include those where radiation levels exceed 1mSv/year."(p.21)¹² However, the government produced a measure which covers only an extremely small proportion of residents.

6. Recommendations

The Japanese government is responsible for the protection of its citizens' rights to health by virtue of Article 25 of Japan's Constitution, International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child.

HRN urges the Japanese government to reform all relevant policies based on the SR Grover's recommendations mentioned above. All the policies must be formulated based on the rights-based-approach, namely prioritizing protection of the most vulnerable population with due consideration of health risks of low level radiation exposure. In particular, great importance should be placed on applying the radiation dose threshold of 1mSv/year in national plans concerning evacuation zones and in all measures providing for those affected, including implementation of the Victim Support Act. Furthermore, the Japanese government should reform its health policy to provide free, long term, periodic and comprehensive health checks and treatment for all affected people as well as power plant and decontamination workers. As SR recommended, all the policy related to the response of the nuclear accident must be formulated based on concerns for human rights and with full and effective participation of affected community, especially vulnerable people such as women and children.

¹² A/HRC/23/41/Add.3



General Assembly

Distr.: General
3 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

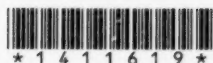
Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

GE.14-11619



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Children and Armed Conflict: Violation of Rights to health of children in Iraq needs immediate international attention

1. Introduction

Following a fact finding mission on congenital birth defects (CBD) in Fallujah, Iraq in 2013, Human Rights Now (HRN)¹ found a troubling rise CDBs in the country and believes that the rights to health and life of children has been violated from environmental contamination resulting from heavy combat in the Iraq War. Due to the increase in birth defects being reported, HRN urges the governments of the US and UK to investigate the sources and spread of these birth defects and adopt measures to address the harms imposed on Iraqi citizens. HRN calls on the UN Human Rights Council to establish measures for the investigation of all human rights abuses committed during the war, including the use of inhumane and toxic weapons.

Furthermore, HRN is concerned with the Iraqi Ministry of Health (MOH) and WHO for their questionable report pertaining to the CBDs found in Iraq, and urge both WHO and the Iraqi MOH to allow their study to be thoroughly peer reviewed and to conduct a hospital based survey.

2. Background

In the US attacks on Fallujah in 2004, there were reports of direct attacks against civilians and the use of white phosphorous and depleted uranium munitions in civilian areas. Depleted uranium ("DU") is a radiological heavy metal that was used extensively by US and UK forces during the 1991 Gulf War and 2003 Iraq war. An overview of scientific literature shows the effects of uranium and heavy metals associated with munitions used in the 2003 Iraq War and occupation suggests that environmental contamination resulting from combat is playing a significant role in the observed rate of birth defects in Iraq. Although the UK government has disclosed data about firing locations to UNEP, the US has not yet to do so, obstructing clean-up efforts in Iraq. HRN believes that the US should disclose their data to UNEP to expedite the clean-up process.

3. Increase in birth defects

In the years following the war, there has been an epidemic of CBDs in Iraq cities. Iraqi physicians have expressed concerns to the international community about the prevalence of birth defects through various media. In Fallujah, an area where white phosphorous weapons and DU munitions were allegedly used, the Fallujah General Hospital showed that 15% of infants since 2003 have had congenital birth defects.

The following numbers are the CBD rates compiled from a number of peer-reviewed journals created by various specialists in Iraqi Hospitals published by the Centre for Research on Globalization on October 9, 2013².

- 12.3/1000 birth in maternity and children's hospital in Baghdad [24];
- 8.6/1000 birth in Ramadi General Hospital, 2008 [25];
- 4.7/1000 birth in Dohuk, Kurdistan Region, Iraq, 2004-2008[26];
- 8.4/1000 birth only (NTD) in Diwania, 2000 [27];
- 3.06/1000 birth in Arbil, Kurdistan Region, Iraq [28];
- 50/1000 birth in Fallujah General Hospital, 2010 [2];
- 23-48/ 1000 birth in Basrah Maternity Hospital, 2003-2011 [2];
- 27/1000 birth in Najaf [29]

¹ Human Rights Now (HRN) is a Tokyo based international human rights NGO: <http://hrn.or.jp/eng/>

² Global Research, Congenital Birth Defects in Iraq: Concealing War Crimes against Iraqi Children, Twisting and Distorting the Evidence <http://www.globalresearch.ca/congenital-birth-defects-in-iraq-concealing-war-crimes-against-iraqi-children-twisting-and-distorting-the-evidence/5353667>

19.3/1000 birth in Al Qaiem District, Anbar, 2009-2011.

(CBD Data compiled by The Centre for Research on Globalization)

According to the data above, the areas with the highest rates of CBDs are Fallujah, Basra, and Najaf, all areas where the US and UK forces used DU munitions, and we urge an independent and credible investigation of those correlations and responsibilities by two countries:

1. In Fallujah, the CBD rate is highest at 50/1,000; US and UK forces used DU munitions and white phosphorous during both wars.
 2. Basra, an area with the densest concentration of sites contaminated in Iraq, the CBD rate is 23-48/1000. The UK and US used DU munitions in Battle of Basra in 2003, and bombs containing high levels of heavy metals.
 3. The US military used DU munitions in the Battle of Najaf 2004, and the CBD rate is 27/1000.
4. Potential link between CBDs and the use of munitions containing environmental contamination such as heavy metals and DU

Although the source of the increase in birth defects is unclear, depleted uranium is a known carcinogen, and it can cause birth defects. For other heavy metals found in munitions, such as lead and mercury, there is stronger evidence demonstrating their toxicity if taken up into organic matter. Taking lead into the body can lead to a range of negative effects, including neurological damage, kidney damage, miscarriage, premature birth, and death. Mercury is known to cause impairment of neurological development particularly in fetuses and infants, as well as toxic effects on the immune and digestive systems, and it is a possible human carcinogen.³

5. WHO and Iraqi MOH Report

On September 11, 2013, the Iraqi MOH and WHO released the much awaited report on the CBD crisis in Iraq. The report was criticized for suggesting there was "no clear evidence to suggest an unusually high rate of congenital birth defects in Iraq."⁴ WHO emphasized that the study was not investigating the possible link between CBDs and DU munitions. The report failed to gather information from hospitals; instead used a household survey that merely used "memories of the persons who were interviewed and their self-reporting of specific events that may have occurred several years in the past"⁵. Only 32% of those who reported to have had children with CBDs provided a medical record to surveyors. WHO and the Iraqi MOH insisted that their studies and reports were conducted thoroughly and properly⁶. However Simon Cousens, professor of epidemiology and statistics at LSHTM invited by WHO to review the study, told the Lancet that he "attended a relatively brief meeting of around one and a half hours, so just gave some comments on an early presentation of the results. I wouldn't classify that as thorough peer review"⁷.

6. Legal responsibilities

The governments of the US and UK are bound by law to address the issue of toxic or otherwise harmful munitions and debris left following conflict, and their risk on an occupied population. Such as The Fourth Geneva Convention's Article 56 duty on occupying powers to provide for public health in occupied territory; the duty of the UK under 1977 Additional Protocol I to ensure human rights guarantees to life and health in territory it occupies; and the ICESCR's Article 12 recognition of a right to health and duty on members to take steps to improve environmental hygiene, to

³ "Health effects of mercury" US Environmental Protection Agency <http://www.epa.gov/hg/effects.htm>

⁴ WHO, "Summary of the Prevalence of reported Congenital Birth Defects in 18 Selected Districts in Iraq" http://www.emro.who.int/images/stories/iraq/documents/Congenital_birth_defects_report.pdf

⁵ WHO, "Summary of the Prevalence of reported Congenital Birth Defects in 18 Selected Districts in Iraq"

⁶ RT, "Why the WHO report on congenital anomalies in Iraq is a disgrace" <http://rt.com/op-edge/who-iraq-report-disgrace-461/>

⁷ The Lancet, "Questions raised over Iraq Congenital Birth Defects Study" [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)61812-7/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)61812-7/fulltext)

which the UK is bound as a state member and the US is a signatory. Domestic federal and military rules in the US on "stability operations" and "environmental considerations" also requires US military operations to environmental clean up and provisions for public health.⁸

Rights-based obligations towards environmental harms include both substantive obligations on states to avoid mortal risks within areas of their control and remove them when they are discovered and procedural obligations when mortal risks are discovered, including conducting an investigation, disclosing information on the risks such as information about related wartime activities, and providing affected persons effective remedies such as treatment and compensation. Unless proper investigations and clean-up activities are pursued, it will be impossible for affected peoples to achieve the right to health, as the environmental contamination will continue.

7. Recommendations

HRN calls on the US and UK governments to disclose all information regarding the types of weapons used during the occupation, quantities fired, exact firing points, and to take necessary measures to protect the right to health and life of the local people.

Furthermore HRN finds the outcomes of the WHO/Iraqi MOH report on CBDs in Iraq have little scientific weight. HRN additionally urges WHO and the Iraqi MOH to submit the report to a peer review and survey the possible connection between DU munitions and CBDs. Ignoring medical evidence and subsequently denying the presence of a crisis is unacceptable. The motives for ignoring data from local Iraqi hospitals are worrisome, as WHO stated there was a grave crisis concerning CBDs in Iraq in the past.

⁸ See, respectively, US Executive order EO 12114, "Environmental Effects Abroad of Major Federal Actions"; US Department of Defense directive DODD 3000.05 (2005); US field manual FM 3-100.4, *Environmental Considerations in Military Operations*.



General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11710



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Extremely hazardous Child Labour in coal mines in Meghalaya, India

1. Introduction

Following a fact-finding mission in Meghalaya, India in 2010, Human Rights Now (HRN), a Tokyo based international human rights NGO, has found an alarming child trafficking and labour crisis in the mines of Meghalaya. Our mission, conducted with a local NGO, Impulse NGO Network¹, revealed the extremely hazardous and inhumane conditions under which the trafficked children were forced to engage in mining work.² Children were sent deep down underground through small tunnels called 'rat holes' with little oxygen and ventilation. Inability to pay their family's debts and lack of financial stability victimized them³.

The Special Rapporteur on trafficking persons, especially women and children, Joy Ngozi Ezeilo, sought clarifications of the facts and investigations by the Government of India in May 2011 (Paragraph 36-42)⁴. Even though investigations and issuance of guidelines seemed to be performed by the government of India and Meghalaya, it was reported that the thousands of child miners were still at significant risk of in coalmines⁵.

Despite the efforts made by civil society organizations, there is little improvement in the condition and safety standard in the mining sites. This problem should not be kept unaddressed for children's wellbeing and future. This practice of child labour violates the Indian Constitution and Child Labour Act, and the Indian government has a responsibility to conduct further investigations of labour practices in Jaintia Hills or invite international monitoring, and strengthen supervision and correction of these practices. Also, immediate action must be taken in cooperation with the government of Nepal and Bangladesh for fundamental improvement.

2. Background

Meghalaya is a northeastern Indian state, which shares borders with Nepal, Bangladesh, Bhutan, China, and Myanmar. Jaintia Hills is one of the seven districts in Meghalaya in the east of the region with a population of 299,108. Coal mining has become a growing industry in Meghalaya due to the Supreme Court's ban on the sale of timber in 1981. From 1997 to 2003, coal production in this place increased by 36% and accounted for 8-10% of the state's GDP.

The first concern lies in the problematic statistics of children who are engaged in labour work. According to the Census of India in 1991 and 2001, the number of working children aged 5 to 14 increased from 11.3 to 12.7 million. However, according to the National Sample Survey Organization, the number of working children dropped from 13.3 million in 1993 to 10.4 million in 1999, and to 8.6 million in 2004. UNICEF also estimates a slight decline in the proportion of children involved in labour from 14% in 1999 to 2003 to 12% from 2000 to 2009. These differences may be attributed to different definitions of child labour, resulting in a significant number not being accounted for in the census.

What is also striking is where the children in the mining industry originated. Nepal and Bangladesh are the main sources of labour besides India. Poverty is also rampant in all three countries. Those we interviewed told us that they thought 'migration' to be an opportunity to earn money so that they could support their families economically. The fact-finding mission reported that mine supervisors and managers confirmed high prevalence of child labour in Jaintia Hill

1 ABC News, Children of the Rat Holes Pictures,

<http://abcnews.go.com/International/slideshow/indias-child-coal-miners-19383690/image-19384170>

2 HRN, Report on Child Labour in the Mines of Meghalaya, Fact Finding Mission of HRN to India, <http://hm.or.jp/activity/20110804IndiaReport.pdf>

3 Their own investigative report is seen at: http://hm.or.jp/activity/2011/02/08/201102_Meghalaya.pdf

4 A/HRC/17/35/Add.1

http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.35.Add.1_EFSonly.pdf

5 Al Jazeera English, The Child Miners of Meghalaya

<http://www.aljazeera.com/indepth/features/2013/10/child-miners-meghalaya-2013103132125749825.html>

mines, and one supervisor commented that 25 children were employed in his mines, which constituted a quarter of his total labour force.

3. Working conditions in the mines

The Impulse NGO Network has estimated that there are at least 5,000 mines in the region, however, one of the managers HRN interviewed asserted that there are approximately 100, 000 mine in the region⁶. Each mine has wooden steps running down the wall from the entrance to the bottom of the shaft, and due to frequent rainfall, they often become slippery and prone to rot. Their structural collapses are common, and slips and falls can cause injury and in worst cases, death. The height of the hole is typically short only to allow a crouching child to enter. The working conditions are hazardous, due to poor lighting, lack of/insufficient safety equipment, and faulty ventilation in the rat holes that can secure little oxygen deeper into the hole. Flooding is also a major issue with tunnels, filling with water and drowning labourers while they are constructing a new hole. Although accidents often cause deaths or injuries, these casualties are not reported and mine owners do not provide compensation or medical supports for victims or their families. Since mine managers do not record labourers' addresses or family details, families have no means to know anything happened to their beloved ones. Machineries are also often inadequate, poorly maintained, and operated by unqualified workers.

Furthermore, our mission has acknowledged a practice of extrajudicial execution by the mine owners to control their labourers. Interviewees confessed that the labourers, including children, have been left inside the rat holes as a punishment and have died from oxygen deficiency. This practice makes child labourers intimidated and fear managers whom they do not have any choices but obey, even if they wish to leave. One adult labourer told us that labourers had to remove the body of a dead labourer from a rat hole in April 2009 because of their confrontation with the owner.

The living conditions of labourers at the mines are inhumane and unsanitary. Lack of safe drinking water and no proper sewage system contributes to a variety of diseases. However, mine owners provide no medical facilities for labourers.

4. Efforts since 2010 mission - unimproved situation

In May 2012, two years after our fact-finding mission with the Impulse NGO network, the National Commission for Protection of Child Rights (NCPCR) visited the coalmines of Jaintia Hills, Meghalaya⁷. Their report revealed the hazardous situation under which children work with little progress in providing any safety or welfare measures. Children were reportedly sent away from the sites when the investigation team arrives so that mine owners could not be questioned or alleged. One of the investigating members who went into the 'rat hole' felt suffocated as he reaches the bottom with gas and fumes emanating.

Also in the same month, National Human Rights Commission expressed their serious concern over child labour in Meghalaya. The Commission recommended the state government to stop child labour in all forms. It also recommended the state government conduct a survey of mines to find the number of child labourers employed there and take measures for their schooling and rehabilitation. The State authorities admitted that 220 child workers were identified in Jaintia hills. The claim was also brought with a reference to cases of "sexual exploitation of minor girls and abandoning of newly born children and dead fetus"⁸. Nonetheless, after the intervention by two National Commissions, there is little improvement on the ground and the devastating situation continues to exist. Lack of political will and determination of

6 HRN, Report on Child Labour in the Mines of Meghalaya, Fact Finding Mission of HRN to India, <http://hrn.or.jp/activity/20110804IndiaReport.pdf>

7 National Commission for Protection of Child Rights, Child Labour Situation in Coal Mines, Pits & Rat Holes of Jaintia Hills, MEGHALAYA, <http://www.ncpcr.gov.in/Reports/Jaintia%20Hills%20Visit%20Report%20-%20Revised.pdf>

8 National Human Rights Commission, NHRC expresses serious concern over child labour in Meghalaya, <http://nhrc.nic.in/dispatcharchive.asp?fno=2574>

enforcing laws is evident from continual denial made such as by the deputy chief minister for mining and geology⁹, and silence from authorities have been depriving children's life and future continuously¹⁰.

5. Related laws and statutes

The Indian Constitution prohibits the employment of children, defined as those under the age of 14, engaging in any hazardous employment including mining industry (Article 24, THE CONSTITUTION OF INDIA). Under the Child Labour Act of 1986, it is prohibited to employ children under 14 in mines or in other hazardous work, while the Mines Act prohibits employment of those under 18 in mines. In addition, the Coal Mines Regulations of 1957 and the Mines Act of 1952 codify safety rules and procedures and labour conditions to ensure the health and safety of workers. India has legal obligations to eradicate child labour under International Labour Organization Conventions on the minimum age conventions of 1919 and 1965, although these conventions are now considered outdated and India has not ratified the new convention. India also accedes to the UN Convention on the Rights of the Child in 1992, Article 32 that prohibits child labour on economic exploitation when it threatens the physical, mental, emotional, and social development of children.

6. Recommendations

The grave human rights violations in the practice of child labour in Jaintia Hills are still evident within extremely hazardous environment and slavery-like practice. Despite numerous laws, regulations, and mechanisms to eliminate child labour in India, they are powerless to save the children in Jaintia Hills. Indian Government has to keep a thorough, effective, and transparent large-scale investigation of child labour practice and human rights violations regarding this issue and invite and accept international monitoring. The international community is highly encouraged to acknowledge the severity of the matter. HRN calls relevant UN Special Rapporteurs and the ILO to conduct thorough investigation over this grave situation.

9 The New York Times, Children Toil in India's Mines, Despite Legal Ban, http://www.nytimes.com/2013/02/26/world/asia/india-missing-school-to-work-in-the-mine.html?pagewanted=all&_r=1&

10 Al Jazeera English, The child miners of Meghalaya, <http://www.aljazeera.com/indepth/features/2013/10/child-miners-meghalaya-2013103132125749825.html>



General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11621



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Human Rights Situation in Myanmar

1. Human Rights Now (HRN)¹ welcomes the improvement of human rights situation in Myanmar after the long military regime in Myanmar officially ended in 2011. However, issues and concerns regarding human rights violations continued to be reported. HRN is especially concerned over the situation surrounding of ethnic violence and press freedom. It also concerns that the foreign investments and development projects cause negative impact of human rights situation of local people.

2. The first imprisonment of a reporter since the lifting of media restrictions in 2012 has raised questions about press and media law and censorship issue in Myanmar. On November 2013, three-month prison term was given to Yangon-based Eleven Media journalist Naw Khine Khine Aye Cho, also known as Ma Khine, based on charges of defamation, trespass and use of abusive language.²

International press organizations have argued that the charges are unjustified and too harsh.³ For example, Reporters Without Borders issued a statement that urged the court "to reexamine the facts of this case when it comes up for appeal and to reach a decision that respects the rights of journalists."⁴ Ma Khine is believed to be the first journalist sentenced to prison under censorship laws since President Sein began his administration.⁵

In January 2014, four journalists and the CEO of Yangon-based Unity Journal were detained by police after the newspaper reported the existence of an alleged chemical weapons factory in the Magwe Division.⁶ The journalists were charged with publishing state secrets and have been denied bail.

3. On December 2013, the government freed numbers of political prisoners and promised to drop charges for activist facing trials.⁷ However, the Myanmar government has failed to uphold its promise to release all political prisoners by the end of 2013. Also, activists still claims that Myanmar authorities continue to prosecute dissidents.⁸ Bo Kyi, founder and joint-secretary of the Assistance Association for Political Prisoners (AAPP) has indicated that the Committee for Scrutinizing Remaining Political Prisoners will continue work through 2014, despite government claims that all political prisoners were released by December 31 of last year.⁹

AAPP records show at least 33 political prisoners remain in prison with around 148 awaiting sentencing. It also report that January 2014 saw the arrest of 10 individuals, 9 of which were charged under Section 18 of the Peaceful Procession and Peaceful Assembly law, the other under section 447 of the Trespass Law.¹⁰

4. One of the most serious human rights concerns is the situation in Rakhine State. It was reported that ethnic Violence intensified in the first month of 2014 and primarily occurred in Du Chee Yar Tan village in Maungdaw, Rakhine State. Some media reported that violence against Rohingya Muslims has continued more than two weeks since it started on January 9, and in the course of violence, security force was involved in killing of Rohingya Muslims.^{11,12}

¹ Human Rights Now (HRN) is Tokyo-based international human rights NGO

² The Irrawaddy, December 23, 2013: <http://www.irrawaddy.org/burma/prison-term-reporter-leads-outcry-media-freedom.html>

³ *Id.*

⁴ Eleven Media, December 25, 2013: <http://elevenmyanmar.com/national/4554-rsf-outraged-by-imprisonment-of-eleven-media-reporter>

⁵ The Irrawaddy, January 7, 2014: <http://www.irrawaddy.org/burma/burmese-journalists-protest-ma-khines-jail-sentence.html>

⁶ The Irrawaddy, February 2, 2014: <http://www.irrawaddy.org/burma/journalists-detained-reporting-alleged-burmese-chemical-weapons-factory.html>

⁷ The Irrawaddy, December 31, 2013, <http://www.irrawaddy.org/burma/burma-pardons-political-offenders.html>

⁸ News 24, December 11, 2013, <http://www.news24.com/World/News/Myanmar-frees-44-political-prisoners-20131211>

⁹ DVB, January 14, 2014: <https://www.dvb.no/news/36058-not-finished-yet-political-prisoners-burma-myanmar/36058>

¹⁰ <http://www.aappb.org/>

¹¹ Human Rights Watch, January 23, 2014: <http://www.hrw.org/news/2014/01/23/burma-investigate-new-killings-rohingya>

On 17th January, The UN Special Rapporteur Mr. Quintana, urged the Myanmar government to investigate the reported violent clashes between security forces and Rohingya residents.¹³

In response, the Myanmar government denied that these deaths and blamed the Rohingya for instigating the violence.¹⁴ Further, the government strongly criticized media organizations for their coverage of the alleged massacre. On January 24, the Myanmar Foreign Affairs Ministry warned that any international aid organization or media group that releases information that is not verified by government officials would be considered to be interfering in Myanmar's internal affairs.¹⁵

Proper investigation has not yet been conducted by the government. The roots cause of the ethnic violence has not been properly addressed.

5. Ongoing foreign investment projects have accelerated violations of human rights under the name of "development". Myitsone dam project, which was slated to provide most of its electricity to China, had provoked massive public outcry over the widespread flooding and deforestation the dam would cause, as well as the displacement of 10,000 ethnic Kachin villagers.¹⁶ More than 300 households from Tanphyne, Padan and Myitsone villages were relocated for the project, and villagers have not been allowed to return during the suspension.¹⁷ Relocated residents have complained that compensation they've received is too low and the land they have been allocated is not suitable for planting crops and rearing livestock, hurting their livelihoods.¹⁸

Likewise, Thilawa Special Economic Zone Project which is sponsored by the Japanese government and JICA is also causing serious violation of human rights to local communities. There are people who are already suffering from lack of livelihood after moving to the relocation site in Myaing Thar Yar without appropriate compensation measures. Villagers have raised several concerns with respect to this situation including, (i) signing of compensation agreements under duress, (ii) uncertain understanding about the relocation and compensation, (iii) even after signing, no consideration of the transition period from the old livelihood to the alternative one, and (iv) no insurance for the affected villagers to improve or restore the stable livelihood.¹⁹ Villagers also raised complains that this situation clearly shows the violation of several provisions of the JICA's Guidelines for Environmental and Social Consideration such as "Host countries must make efforts to enable people affected by projects to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels."²⁰

6. In many regions of Myanmar, concerns about land seizures are in need of serious investigation. Farmers from Pyin Oo Lwin township, Mandalay region, have begun clearing confiscated fields that they say should have been returned when the military project for which they were taken ceased to be implemented.²¹ Farmers say they were not paid compensation for the project and they are now risking legal repercussions by their attempts to take the fields back.²²

¹² The Irrawaddy January 17, 2014: <http://www.irrawaddy.org/burma/buddhist-mob-police-raid-rohingya-village-many-left-dead-rights-group.html>

¹³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14178&LangID=E>

¹⁴ Eleven Myanmar, January 30, 2014:

http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=4904:fire-in-du-char-yar-tan-village-planned-in-advance&catid=32:politics&Itemid=354

¹⁵ The Irrawaddy, January 28, 2014: <http://www.irrawaddy.org/burma/govt-rejects-call-intl-investigation-alleged-rohingya-killings.html>

¹⁶ Strategy World, December 24, 2013:

<http://www.strategypage.com/qnd/myanmar/articles/20131224.aspx>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ A letter from the Thilawa Social Development Group (or the group consisted of the villagers affected by the Thilawa SEZ project) to JICA, dated on October 29, 2013

²⁰ JICA guidelines for environmental and social considerations

http://www.jica.go.jp/english/our_work/social_environmental/guideline/pdf/guideline100326.pdf

²¹ Myanmar Times, December 8, 2013: <http://www.mmtimes.com/index.php/national-news/8975-farmers-reclaim-land-confiscated-by-military.html>

²² *Id.*

This comes following their unsuccessful requests to return the land,²³ based on a provision in the Farmland Law of March 2012 that requires confiscated land to be returned to the original owners should the project be completed or fail to be implemented.²⁴

Moreover, farmers near the Letpadaung copper mine are claiming that more land has been confiscated for the controversial mine project. The mining project also resulted in a seizure of over 300 acres of land in Monywa, Saigang region.²⁵ In addition to the mine itself, there is concern that a sulfuric acid plant that supports purification of the copper from the mine is responsible for local illnesses.²⁶ According to a study conducted by an environmental conservation group, soil samples taken from nearby Kan Kone village, where residents have complained of air pollution and suspect the plant is responsible for 31 deaths during 2013, revealed unhealthy levels of sulfate.²⁷

Few activists and protestors who involved in protest against the Letpadaung mine were arrested. Among the activists, Myint Myint Aye was jailed earlier in 2013 for her involvement in a land grab dispute, was released on December 24, 2013, along with two other activists.²⁸

7. Considering that the human rights situation in Myanmar is still serious, the Human Rights Council should continue its mandate over the human rights situation in Myanmar. Although restrictions on the press have loosened since 2011, Myanmar's citizens continue to struggle against instances of media censorship. Also, political prisoners should be released as the government promised, and violence against ethnic and religious minorities cannot be tolerated and investigations for alleged cases have to be conducted.

HRN also emphasizes that human rights violations in the context of development must be addressed and urges appropriate remedy and reparation to be provided for local people who are affected to the ongoing development project. All the ongoing and potential investors as well as states concern are obliged to respect and protect the human rights of the local populations.

HRN call on the Myanmar government, as well as all development partners to establish an effective safeguard guidelines and policies for local residents to not be victimized by investment and development projects and investment, especially large-scale development projects involving natural resource extraction such as natural gas, oil, mines, and infrastructure construction projects.

²³ *Id.*

²⁴ Myanmar Times, December 8, 2013: <http://www.mmtimes.com/index.php/national-news/8975-farmers-reclaim-land-confiscated-by-military.html>

²⁵ Democratic Voice of Burma, December 13, 2013: <https://www.dvb.no/dvb-video/more-land-fenced-off-at-latpadaung-locals-devastated-burma-myanmar/35247>

²⁶ Mizzima, December 10, 2013: <http://www.mizzima.com/mizzima-news/environment/item/10721-health-survey-planned-at-village-near-copper-mine-acid-plant>; The Irrawaddy, December 12, 2013: <http://www.irrawaddy.org/burma/near-latpadaung-factory-pollution-raises-health-fears.html>

²⁷ *Id.*

²⁸ Democratic Voice of Burma, December 24, 2013: <https://www.dvb.no/news/hunger-strikers-released-from-prison-burma-myanmar/35515>



General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

GE.14-11623



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India: Hurt, hunger and humiliation for the refugees of the Republic

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the disastrous aftermath of the sectarian attacks in September 2013 on the religious minorities in Muzaffarnagar and neighboring areas of Uttar Pradesh in India. The government of Uttar Pradesh has recently admitted in front of the Supreme Court of India that out of the 65 deaths, 50 came from the minority community alone.
2. The attacks resulted in mass exodus of the community from their villages and their seeking shelter in makeshift camps built in Muslim majority villages. The camps are supported by the communitarian organizations and have hardly received any assistance from the government. There were 58 such camps according to the state government. These camps housed most of those rendered homeless and belonging to the minority community, 65,000 by the most conservative estimates. The community has also suffered massive loss of property, livestock, and other assets in the nine villages that suffered the brunt of the attack.
3. The camps were essentially most basic arrangement with merely a plastic sheet to survive the biting cold in the area where temperatures dip down to 0.3 degrees Celsius. The dismal conditions of the camps have resulted in high mortality of children and the elderly. Though the government acknowledges only 33 children dying in the camps, the actual figures are believed to be far worse. An ALRC staff member has himself documented 49 cases of children dying due to the cold. Awami Council for Democracy and Peace, a civil society organisation that is fighting for the rights of riot affected people in the ongoing court case in the Supreme Court of India, has documented more than 52 such deaths in its written submission to the Court.
4. Furthermore, the state government later offered a lump sum compensation of 500,000 INR (appx. 8,000 USD) to people in riot affected villages with the bizarre condition that they never return to their villages, an act that was questioned by the Supreme Court of India. It becomes evident from this requirement that not only has the state government failed in drafting a policy taking care of rehabilitation, but it has proactively attempted to thwart any rehabilitation sought by the community. The compensation policy further fails in taking stock of the loss of common property such as fields, open lands, places of worship, burial grounds, etc.
5. The state government also decided to offer compensation to the residents of only those villages where murders had taken place and counting all others as not hit by riots even when Muslims had to flee those villages facing serious threats, attacks, and their settlements having burnt down completely. Four months after the violence, the police have largely failed to arrest and prosecute those responsible for the attacks, including brutal cases of rapes and gang rapes, 13 of which have been registered. The failure to act by the police in rape cases has forced other victims into silence. These developments have forced the community to marry even their underage daughters in hopes of protection. Local camps have witnessed hundreds of such marriages.
6. Certain influential members of the community have come together to offer small pieces of lands at self-subsidized rates to the riot affected people so that they can build houses. Local politicians belonging to the majority community have opposed such moves in the name of the impact it would have on the demography; the government has often been found taking their side. Further, there has been no initiative from the government to implement any schemes for housing such as the Indira Awas Yojna.
7. Rather than providing at least basic amenities to the survivors, the government went into a denial mode and accused the victims as conspirators trying to bring embarrassment to the government and ordered demolition of relief camps. There was no explanation given whatsoever, except that the lands occupied by homeless, riot affected people were government lands. By the time of the ALRC staffer's visit, many of such camps had been demolished.
8. The demolitions have forced the victims out of even those dilapidated camps. Many of them have moved to locations even more dangerous and unfit for human habitation.
9. The demolitions have erased whatever little semblance of normalcy that had returned to the lives of riot affected community. This has greater consequences for children whose studies have been disrupted second time, first by the riots

and now demolitions.

10. India has ratified the International Covenant on Civil and Political Rights. Article 27 of this legally binds signatories not only to protect the minorities but also to promote an environment where they can enjoy their culture. It reads, *"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."*

11. India has also ratified the Convention on the Rights of the Child, in 1992. The convention, among other things, makes a legally binding obligation for the state authorities *"in those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."*

12. India has also been a signatory to International Covenant on Economic Social and Cultural Rights (ICESCR). The demolition drives are conducted in violation of Article 11(1) of the same promising adequate standard of living for a person and their family, including adequate food, clothing, and housing.

13. Given the above, the ALRC urges the Human Rights Council to:

- a. *Engage* in constructive dialogues with the Government of India to ensure that the government take all measures to rehabilitate the community, children in particular, and for the Council to assist the state and civil society groups working on the issue in India;
- b. *Assist* national bodies like the National Commission for Protection of Child Rights and similar State Commissions to actively engage the issue with a view to critically assess and effectively assist the government in protecting child rights;
- c. *Urge* the provincial authorities to ensure that the children whose studies have been disrupted because of riots and demolitions are assisted on an urgent basis and no measures are spared to bring them back to the schools;
- d. *Request* the government to appreciate the urgent need for setting up psychological counseling centers in the district to assist the victims of the riots come to terms with their personal trauma. Any such efforts must also address the special needs of the children victims and special cells must be made to take care of them;
- e. *Urge* the relevant authorities both at provincial and national level to hold speedy and impartial investigations into the riots and prosecute both those who incited the riots and those members of the local administration who failed to protect the minorities despite being bound by oath to do so, and;
- f. *Request* the concerned authorities to compensate the victims with a focus on rehabilitation. The rehabilitation package must include safe and adequate housing and livelihood opportunities.



General Assembly

Distr.: General
4 March 2014

English only

Human Rights Council

Twenty-fifth session

Agenda item 3

**Promotion and protection of all human rights, civil,
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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11625



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Philippines: Forced evictions push victims to hunger, inhuman living condition

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to increasing attacks on the urban poor in Philippines, particularly in the Metro Manila region. The attacks include denial of livelihood opportunities to the urban poor and demolition of their habitats. Such demolition drives are conducted in violation of Article 11(1) of the International Covenant on Economic Social and Cultural Rights (ICESCR) promising adequate standard of living for a person and their family, including adequate food, clothing, and housing. Such evictions also violate 17(1) of the International Covenant on Civil and Political Rights offering protection from arbitrary or unlawful interference with his privacy, family, or home, among other things.
2. General Comment No. 4 of the Committee on Economic, Social and Cultural Rights mentions that there should be "legal security of tenure including legal protection against forced evictions" while determining "adequacy" of housing. International legal opinion also holds the right to adequate housing as a justiciable and enforceable right as acknowledged by the Special Rapporteur in a report to the 58th session of the Commission (E/CN.4/2002/59). The authorities in Philippines have continued with their demolitions affecting thousands of families in utter disregard to their commitment to international community.
3. Demolition Watch, a local Manila based initiative and network of various community-based organizations, puts total incidents of forced evictions for the last 3 years at 57, and the number of affected families at 73,013. It also notes that 4 persons were killed and 59 were illegally detained by the authorities during such drives. The demolition drives have rendered many people jobless and thus their livelihood and food security are adversely affected.
4. The ALRC is gravely concerned with the deteriorating conditions of Urban Poor in Philippines and it has repeatedly urged the authorities to cease demolition drives affecting thousands of urban poor. Even in the absolutely unavoidable cases, for example building a public facility, the affected people must be consulted with and properly rehabilitated. The ALRC has also been working closely with the local civil society organizations in documenting cases of forced eviction and denial of livelihood opportunities.
5. Alerted by Defend Job Philippine, the Asian Human Rights Commission (AHRC), sister organization of the ALRC, has urged the relevant authorities to revoke the eviction notice served on 250 families living along the R-10 or Road 10 in Tondo, Manila in September 2013. It has also urged the government of Philippines that planned forced eviction, without adequate compensation after proper consultation with the affected community, would not only jeopardize the living conditions of the affected people but also expose them to hunger because of lost livelihood opportunities. It had appealed to the authorities to engage in relocation activities only with the proper rehabilitation of the affected families.
6. The AHRC has also intervened in the case of an ongoing demolition drive affecting more than 5,500 families, or 30,000 people of San Roque, North Triangle, Quezon City. The demolition and eviction drive that is to make way for the implementation of the Vertis North Project under the Quezon City Central Business District has exposed the affected citizens to severe hardships while also endangering their livelihood and thereby pushing them towards poverty.
7. The AHRC has also registered its serious concern with the Government of Philippines regarding an allegedly illegal demolition of around 120 houses in Florentino St., Sto. Domingo, Quezon City on 10-11 April 2013. The victims, represented by Barangay Sto. Domingo Settlers Association, have contested the demolition as it was being carried out in violation of the ongoing legal case in the Court of Appeals. They have further submitted that the demolition team neither had a court order with them nor was a sheriff present at the venue.
8. The AHRC has also objected to the forced eviction of vendors of the Luneta Park carried out by the National Parks Development Committee (NPDC) on 27 February 2013 despite the protest of the vendors and some support groups. Showing utter disregard for the human rights and dignity of the victims as well as to the opinion of the civil society, the NPDC, a huge police contingent, and a SWAT team, evicted the vendors with a threat of violence and confiscation of their wares leaving the outnumbered vendors with no choice other than leaving.

9. The AHRC has also expressed its dismay over threats of eviction to 78 families belonging to fisherfolk community from the Freedom Islands. If carried out, it will be the second eviction of these families in a short span of 6 years, this time from their floating houses in the Coastal Area of San Dionisio where they were persuaded by the Philippine Estate Authority (now Philippine Reclamation Authority) to relocate to from areas like Marina and Tambo. The proposed new relocation site in nearby mountains not merely compounded the woes of the community, but also exposed downright arbitrariness of the authorities. Having no trade other than fishing for their survival, the relocation would expose them to starvation. The proposed evictions are detrimental not merely for the people, but also constitute a serious threat to the last remaining coastal periphery of mangroves, salt marshes, and multifarious biodiversity in Metro Manila serving as an avian refuge for more than 80 species of birds and which had been declared as a critical habitat in 2007. The proposed evictions for facilitating the Las Pinas-Paranaque Critical Habitat and Eco-Tourism Area (LPPCHEA) Project would end up reclaiming 635 hectares of the shoreline in front of the sanctuary. Furthermore, a highway linking the future business centers of Las Pinas and Paranaque with the rest of Metro Manila will destroy the mangroves thus endangering the ecosystem.

10. Though the Government of Philippines has repeatedly claimed to be concerned over developments and has assured the AHRC it will take concrete action to rehabilitate those affected by such demolition drives, it has done little on the ground to back up these claims. Most of the promises made by it remain unfulfilled with thousands of the families affected. Forced to drop out of their schools, children are often the worst affected from such demolitions and forced relocations; the government has done little to ensure that their studies are not disrupted.

11. Massive and often disproportionate force has been used in many of such demolitions. The forcible eviction of vendors from Luneta Park is a case in point. There the NPDC, together with a heavy police contingent, meted out inhuman and degrading treatment to vendors who were protesting peacefully. The acts have included but are not limited to: punching a pregnant vendor while physically assaulting others on 27 March 2012, beating the vendors who tried to protest the confiscation of their goods and personal belongings on 15 February 2012, and finally threatening them with further violence during the final eviction on 28 February 2013.

12. Given the above cases, the Asian Legal Resource Centre urges the Council, and in particular the Special Rapporteur on adequate housing, to:

- a. Urge the Government of Philippines to take immediate measures to ensure that the rights of the victims in these cases are protected and upheld, especially their right to adequate housing, as well as their right to be protected from any cruel, inhuman, or degrading treatment or punishment, in conformity with the ICESCR; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and General Comments Nos 4 & 7 of the Committee on Economic, Social and Cultural Rights. These measures must include the provision of adequate compensation, reparation, and rehabilitation to all the victims as well as appropriate public apologies;
- b. Request the Government of the Philippines take all appropriate steps to guarantee an immediate investigation into these events, identify those responsible, bring them before a competent and impartial tribunal, and apply all the penal, civil, and administrative sanctions provided by law, and;
- c. Seek assurances from the Government of the Philippines that they will take necessary steps to prevent the forced displacement of people from their homes in the future. Even in the absolutely unavoidable cases, the Government of the Philippines must ensure a proper consultation with and support of the affected community as well as their consent to relocation sites.